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6 UNITED STATES DISTRICT COURT  
7 DISTRICT OF NEVADA

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9 RICHARD BRENNAN,

Case No.: 3:08-CV-00137

10 Plaintiff,

11 vs.

12 AMERICAN FAMILY MUTUAL  
13 INSURANCE COMPANY, A Wisconsin  
Corporation, and DOES I - X, inclusive,

14 Defendant.

15 **STIPULATION AND ORDER FOR BIFURCATION**

16 Plaintiff's Complaint in his action includes a claim for breach of contract and breach of its  
17 duty to deal fairly and in good faith with its insured. The parties have conferred regarding possible  
18 bifurcation and separate trials related to these two aspects of this case, and in the interests of justice,  
19 hereby stipulate as follows:

20 1. Plaintiff's breach of contract claim shall be bifurcated from Plaintiff's extra-  
21 contractual claims for purposes of trial. An initial, separate trial shall be held on the breach on  
22 contract claim only. Thereafter, if necessary, and subject to any further order as may be entered by  
23 the Court, a second trial shall be held on the extra-contractual claims. Both trials shall be held before  
24 the same jury.

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1           2. There shall be no stay of discovery or other proceedings on Plaintiff's extra-  
2 contractual claims.

DATED this 24<sup>th</sup> day of March, 2008      DATED this 1<sup>st</sup> day of March, 2008

5 THORNDAL, ARMSTRONG,  
DELK, BALKENBUSH & EISINGER

By: BRENT H. HARSH, ESQ.  
State Bar No. 8814

Atorneys for Defendant

DATED this 19 day of March, 2008

ROBERT E. DICKEY, ESQ.  
State Bar No. 1982

Attorneys for Plaintiff

## ORDER

Based on the foregoing stipulation of the parties, and good cause appearing,

IT IS HEREBY ORDERED as follows:

13       1. Plaintiff's breach of contract claim shall be bifurcated from Plaintiff's extra-  
14 contractual claims for purposes of trial. An initial, separate trial shall be held on the breach on  
15 contract claim only. Thereafter, if necessary, and subject to any further order as may be entered by  
16 the Court, a second trial shall be held on the extra-contractual claims. Both trials shall be held before  
17 the same jury.

18       2. There shall be no stay of discovery or other proceedings on Plaintiff's extra-  
19 contractual claims.

20 DATED this 27th day of March, 2008.

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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE